

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3463 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

MOHMAD IQBAL ALIAS CHINA MOHMAD HANIF QURESHI THRO'

Versus

STATE OF GUJARAT

Appearance:

MR EE SAIYED for Petitioner

Mr. K.T. Dave, ld. A.P.P. for Respondent.

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 21/06/1999

ORAL JUDGEMENT

Rule. Ld. A.P.P. Mr. K.T. Dave, waives
service of rule on behalf of the respondent-State.

The petitioner who is the nephew of the
accused-Mohmad Iqbal alias China Mohmad Hanif Quereshi
arrested in connection with CR no.102/99 has prayed for

temporary release of the accused on the ground of attending his ailing wife who is advised by Poly-Clinic, Ahmedabad for further treatment with specialised Doctor.

It appears from the record that on the ground of ailment of the wife of the accused earlier Criminal Misc. Application no.2779/99 was moved and the accused was released for eight days. The accused surrendered in time. Thereafter also vide order dated 14th May, 1999 in Cri. Misc. Application no.3044 of 1999 the accused was released for a period upto 24th May, 1999. Thereafter, he has surrendered and again moved Criminal Misc. Application no.3262/1999 and vide order dated 3-6-1999, the accused was released for a temporary period upto 11th June, 1999 and thereafter he has surrendered.

Ld. A.P.P. Mr. K.T. Dave has initially objected to the grant of temporary release. However, considering the grounds made out in the application and the certificate produced at Page 12 of the compilation by taking a humanitarian approach the accused is granted for the last time an opportunity of making necessary arrangement for the treatment of his wife. The application is allowed. The accused is ordered to be enlarged on bail for a temporary period upto 28th June,1999 on the same terms and conditions which are incorporated in order dated 5-5-1999 in Criminal Misc. Application no.2779/1999.

Rule is made absolute accordingly. Direct service is permitted.

(A.K.Trivedi,J.)

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